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Letter dated 17 July 2018 from the Permanent Representative of Namibia to the United Nations addressed to the President of the Security Council

I should be grateful if you would kindly have the present letter and its annex issued as a document of the Security Council and have it circulated to the members of the Council:

- Letter from Sidi M. Omar, Representative of the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente Polisario) at the United Nations

(*Signed*) Neville **Gertze**
Ambassador
Permanent Representative

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Annex to the letter dated 17 July 2018 from the Permanent Representative of Namibia to the United Nations addressed to the President of the Security Council

I would like to write to you to inform you that the Frente Popular para la Liberación de Saguía el-Hamra y de Río de Oro (Frente Polisario), the legitimate representative of the people of Western Sahara, has taken note of the decision taken today by the Council of the European Union to sign an amendment to the European Union-Morocco Association Agreement, intended to apply to the Territory of Western Sahara.

By taking this decision, the European Union has chosen to turn its back on justice to protect short-term political and financial interests, and hence to contribute to the continuation of a situation of foreign occupation and to prolonging the suffering of the Sahrawi people by fuelling an international conflict that is threatening the stability and security in the region. Moreover, such move is in no way conducive to the peace process called for by the Security Council and would hinder the invaluable efforts of the Personal Envoy of the Secretary-General, Horst Köhler, aiming at relaunching the negotiating process between the Frente Polisario and Morocco with a view to reaching a peaceful, just and lasting solution to the conflict in full respect for the inalienable right to self-determination of the people of Western Sahara.

The decision clearly flies in the face of the judgments of the Court of Justice of the European Union of 2016 and 2018. In particular, the ruling handed down by the Court on 27 February 2018 establishes unequivocally that Western Sahara is not part of Morocco, and that agreements concluded between the European Union and Morocco cannot be applicable to the Territory of Western Sahara and to the waters adjacent thereto. The Court's judgment, which consolidates its ruling of 21 December 2016, leaves no doubt about the principles of international law applicable to Western Sahara as a Non-Self-Governing Territory and its natural resources. It makes it abundantly clear that all agreements concluded between Morocco and third parties would be in violation of basic principles of international law, including the right to self-determination, if they were to include Western Sahara and its territorial waters. If an agreement were to be applied to the Territory of Western Sahara, a separate act would then be required, based on the consent of the representative of the Sahrawi people.

Immediately following the court decisions, the Frente Polisario addressed the European political leaders to allow the conclusion of such an agreement. However, the European Commission, mandated by the Council, has refused any contact and limited itself to taking note of the gross manoeuvres employed by Morocco, the occupying Power of the Territory.

In view of the Council position and its attempt to force its decision through, the Frente Polisario has requested its lawyers to lodge a liability claim before the Court of Justice of the European Union for the damage caused to the Sahrawi people. In the face of the European Union's rejection of any dialogue, the Frente Polisario has further requested its lawyers to act with the utmost determination. The legal procedures will go on as long as the European Union leaders remain unwilling to apply the December 2016 ruling, which affirmed that the consent of the Frente Polisario regarding any agreement concerning the Territory of Western Sahara is paramount and cannot be overridden.

I should be most grateful if you would bring the present letter to the attention of the members of the Security Council.

(*Signed*) Sidi M. **Omar**
Representative of the Frente Polisario at the United Nations